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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARITTE FUNCHES,

Plaintiff,

v.

E.K. McDANIEL,
et al.,

Defendants.

3:10-cv-00127-LRH-VPC DISTRICT OF NEVADA

MINUTES OF THE COURT

May 12, 2011

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGEDEPUTY CLERK: LISA MANN REPORTER: NONE APPEARINGCOUNSEL FOR PLAINTIFF(S): NONE APPEARINGCOUNSEL FOR DEFENDANT(S): NONE APPEARING**MINUTE ORDER IN CHAMBERS:**

Before the court is plaintiff's motion for permission to file an amended opposition to defendants' motion to dismiss (#24). Plaintiff attached the amended opposition to his motion (#23). Plaintiff's original opposition did not address the merits of defendants' motion, but rather requested additional time (#21, p. 2). Plaintiff states that due to "a medical situation and pending legal situation in California," he was unable to properly respond to defendants' motion (#s 24, p. 1). Further, plaintiff notes that defendants previously refused to respond to his discovery requests, rendering him unable to respond to their motion (#'s 21, pp. 2-3 & 24, p. 1). Defendants "defer the matter to the Court's discretion but ask that, if the Court does consider the supplement in evaluating the motion to dismiss, Defendants be afforded the opportunity file a supplemental reply" (#25, p. 3).¹

The court will permit plaintiff to file the amended opposition. Likewise, the court will allow defendants to submit a reply to the amended opposition within seven days of the date of this order.

IT IS ORDERED that the court grants plaintiff's motion for permission to file an amended opposition to defendants' motion to dismiss (#24).

IT IS FURTHER ORDERED that defendants shall file a reply to plaintiff's amended

¹ Defendants did not file a reply to plaintiff's original opposition; therefore, any reply to plaintiff's amended opposition will not be a supplement, but rather defendants only reply.

opposition within seven days of the date of this order.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk